

STATE LAND USE PLANNING ADVISORY COUNCIL

DRAFT

Minutes

September 30, 2004

Meeting Location

Churchill County Commission Chambers
155 North Taylor Street
Fallon, Nevada

Members Present (Eleven)

Eleanor Lockwood, alt. for Churchill County
Barbara Ginoulas, Clark County
Sheri Eklund-Brown, Elko County
Varlin Higbee, Lincoln County
Roger Mancebo, Pershing County-Chair
Bill Whitney, Washoe County
Mickey Yarbro, Lander County
Pete Livermore, Carson City
Lorraine Cadwallader, Mineral County
Bill Diest, alt. for Humboldt County
Michael Mears, Eureka County

Members Absent (Six)

David Provost, White Pine County
Larry Walsh, Douglas County
Stephanie Lawton, Esmeralda County
David Fulstone, Lyon County
Sheldon Bass, Nye County
Robert Kershaw, Storey County

Others Present

Pamela Wilcox, NV Division of State Lands
Skip Canfield, AICP, NV Division of State Lands
Gary McCuin, NV Department of Agriculture
Clinton Wertz, NV Division of State Lands
Claudia Garcia-MacIntosh NV Division of State Lands
Corey Lynn-Kern NV Division of Environmental Protection
Amy Lueders-Nevada BLM
Diana Langs-Sun Valley General Improvement District
Rod Dahl- Natural Resources Conservation Service
Jay Davison-UNR Cooperative Extension
Maxine Shane-Nevada BLM
Donna Kristaponis- Lyon County Manager
Jon Hutchings-Eureka County

CALL TO ORDER

Roger Mancebo called the meeting to order at 8:10 am.

Self-introductions were made of all present. Mr. Mancebo introduced Lorraine Cadwallader as a new SLUPAC member from Mineral County.

Prior to approving the draft minutes for the June 30, 2004 SLUPAC meeting, **Roger Mancebo** asked if there were any proposed changes or comments. No response was made.

Bill Whitney made a motion, which was seconded by **Mickey Yarbrow**, to approve the minutes of the June 30, 2004 SLUPAC meeting. The motion was approved by an affirmative vote of all members present.

AGENCY REPORT

Pamela Wilcox gave an overview of the NV Division of State Lands functions. She started by announcing the Question 1 round one grants have recently been approved for nearly \$6 million. State Lands was provided with a total of \$65 million from a total of \$200 million for conservation and recreation projects throughout the state. Round two is now open for pre-applicants and she can provide additional information on the program for anyone interested.

Ms. Wilcox continued by describing another program of the NDSL office, the Nevada Tahoe Resource Team program and the state's contribution to improving the water quality of Lake Tahoe largely as a result of the 1997 presidential summit at Lake Tahoe. In addition, she described the agency's role in managing title to state lands including: submerged navigable waterways, state parks and school trust lands. **Ms. Wilcox** also explained other agency functions including the hosting of SLUPAC by SLUPA, the State Land Use Planning Agency. She described the role of SLUPA including technical planning assistance to counties, public land issues on federally managed lands, and how SLUPAC advises her office on matters related to land use planning in Nevada.

Mr. Mancebo had late arrivals introduce themselves. They included; Rod Dahl from NRCS, Pete Livermore from Carson City, Jon Hutchings from Eureka County and Corey Lynn Kern from Nevada Division of Environmental Protection.

Skip Canfield presented the State Land Use Planning Agency report. **Mr. Canfield** gave a brief description of the function of the agency which includes a federal lands planning program and a technical assistance program which offers free planning services to Nevada's counties. He described ongoing efforts of the agency for both local planning and federal land management issues.

- Nevada Division of State Lands has been involved with the statewide public land policy plan update. **Mr. Canfield** stated he was in the process of updating the plan. In addition he stated that these efforts were occurring concurrently with local public land policy plans updates in White Pine, Elko, Eureka and Lander counties. He has had ongoing meetings with various Public Land Use Advisory Councils (PLUACS).

- Southern Nevada Public Lands Management Act (SNPMLA) of 1998- **Mr. Canfield** stated that he and **Ms. Wilcox** will be involved in round six of land disposals and expenditures of the funds in Clark County and statewide. The planning agency responds to local concerns and acquisitions stemming from the SNPLMA process. **Ms. Wilcox** represents the state on the working group that ranks the nominations.
- The Nevada Division of State Lands continues to be involved with the BLM Resource Management Plan updates and Resource Advisory Councils.
- **Amy Lueders** of BLM stated that The Lincoln County Conservation, Recreation and Development Act of 2004 was recently passed through the relevant committees in Congress and is now ready to be brought to full house floor. Ms. Wilcox mentioned there are only minor changes to the bill as it was previously presented.
- **Mr. Canfield** explained his involvement in the State Clearinghouse Reviews. It is his role to facilitate and forward state comments related to activities on federal lands statewide that may result in local land use impacts. Recent projects commented on include: the USDA Forest Service Roadless Policy, Off Highway Vehicle Rules by the Forest Service, Caliente Rail Corridor and the Truckee River Operating Agreement.
- **Mr. Canfield** updated the members on upcoming conferences including the Nevada Chapter of the American Planning Association Conference at South Lake Tahoe October 25-27th 2004. In Spring of 2005, there will be the National American Planning Association Conference in San Francisco. A Nevada Rural Planning Conference is also being planned for early 2005 in Tonopah, organized and conducted by NDSL.
- Technical assistance requests are pending in Humboldt County, Smith Valley of Lyon County, a proposed Master Plan update and Pioche element addition for Lincoln County. A commissioner training was recently held in Pahrump for the Regional Planning Commission. Topics focused on Ethics and Land Divisions as well as conformity between the master plan and zoning ordinances.

DISCUSSION ON UPDATE TO COMMENTS ON THE PROPOSED AMENDMENTS TO LAW ENFORCEMENT ACTIVITIES ON PUBLIC LANDS.

Amy Lueders, Associate State Director, Department of Interior, Bureau of Land Management

http://www.nv.blm.gov/News_Releases/Press_Releases/fy2004/PR_04_37.htm

Mr. Mancebo introduced **Sheri Eklund-Brown**, Elko County's representative who arrived late to the meeting. **Mr. Mancebo** then introduced **Amy Lueders**, Associate State Director of BLM to speak.

Ms. Lueders began by thanking the SLUPAC group for the opportunity to speak. She explained her purpose in coming at the request of the group was to update the process and explain a little more some objectives BLM had in wanting to implement rule changes. Overall she stated the concern of her agency for the increased impacts on public lands resulting from drug and alcohol use. The safety of the public was foremost in the agency's mind in requesting changes in how enforcement would occur. The agency expects increased growth and pressure on its public lands due to the rapid population growth in the state.

- The comment period closed September 29th and 76 comments were received.
- In all a majority of counties were opposed, 8 county commissions and sheriffs department presented negative comments.
- The two main concerns were the **authority level changes** and the **court process** to implement the rules.
- Supporters of the rule changes including Mothers Against Drunk Driving.

Ms. Lueders acknowledged a poor start by her agency for the desired changes. She apologized to the group and said that the ongoing efforts to resolve the controversial changes with counties should have been implemented from the start. Regardless she stated that all comments are being analyzed for any approaches that may solve her agency's concerns.

- A subcommittee has been created of county sheriffs and chiefs to find the best options of addressing the growing concerns on public lands.
- There will be 2-3 meetings and the earliest a decision could be made is January of 2005.
- She emphasized that Bob Abbey (state BLM director) wants the best outcome from these efforts and that all ideas are on the table.

Ms. Eklund-Brown interjected that while the process started poorly it has turned into a good approach. She is opposed to the rule changes but supports the dialogue.

Bill Whitney questioned whether or not Mr. Abbey is looking at all options. He asked about the exact role of the sub-group. **Ms. Lueders** responded that both the process and the substance is on the table for review.

Varlin Higbee spoke that the proposed changes would have crossed boundaries and were unacceptable to many local counties. He pointed out there are constitutional problems with the changes and that sovereignty of local rule would be infringed upon. He also stated his position would really depend on the ultimate decision on the issue. **Mr. Higbee** gave an example of poor interaction between the BLM enforcement official and the county sheriff in a recent case. He felt that if these types of crimes were dealt with locally there would be a higher level of accountability than through outside enforcement. Ultimately he felt there was a lack of accountability for the proposed rule changes if they were unacceptable to the county. If changes made by the county commission were unpopular voters would have say through the ballot box. In comparison, **Mr. Higbee** saw no course of action if undesirable changes were made by BLM officials that infringed upon local government. He equated it to a loss of representation.

Mickey Yarbro inquired about the "subcommittee approach" being used to address local concerns. He also inquired if the ultimate decision is left to Bob Abbey.

Ms. Lueders replied that yes Mr. Abbey has the final say and overall the goal is to have the best approach for approach through consensus to achieve the agency's enforcement objectives.

Mr. Mancebo questioned if the results may be different than what was originally proposed.

Ms. Eklund-Brown said that many of the questions related to the proposals involved impacts to local families, how the court system would operate, the ability of limited local BLM staff to respond and the number of staff currently enforcing laws. She said these concerns were especially important due to the distance Elko County is from federal courts and those arrested for federal offenses.

Gary McCuin of the Nevada Department of Agriculture asked about rumors he had heard such as the loss of grazing allotments in the case of drunk driving arrests. He felt it was unfair to remove these permits in such cases. **Ms. Lueders** stated she was unaware of any proposed changes to rules that would impact the permits.

Juan Guzman of Carson City responded that they have seen increasingly serious crimes being perpetrated on public lands near Carson City. Reciprocal agreements from law enforcement were attempted but not possible to allow the city and the BLM to assist each other on law enforcement calls. Evidently federal employees were unable to perform law enforcement duties on city land for procedural reasons. **Ms. Lueders** replied that administrative rules were being reviewed to address this shortcoming. **Mr. Guzman** went on to say that he sees possibility through the current process for mutual benefits to all counties.

Ms. Eklund-Brown asked if the BLM law enforcement concerns were localized or statewide. **Ms. Lueders** responded that currently there are several known problem areas with the potential of spreading problems due to the growth of the states and more people using public lands. People are discovering Nevada and law enforcement issues are expected to worsen.

Ms. Eklund-Brown stated community concerns about how to stem the criminal tendencies of youth once they are convicted of minor alcohol related crimes.

Mickey Yarbro suggested BLM convey funds to counties to hire more staff and address law enforcements problems. **Ms. Lueders** responded that the outcome of the proposed rules was not intended to increase law enforcement funding but to increase the efficiency and effectiveness of existing money. **Mr. Yarbro** pointed out that the trend with BLM has been to grow in staffing over time.

Mr. Guzman said that recently Carson City recently decided to hire two unarmed officers over one armed officer due to funding limits and it believes it made the right choice in preventing crime. He acknowledged that crime on public lands may be worse in the more urban counties of Nevada and that the urban problems take precedence over rural ones.

Corey Lynn-Kern stated that many youth are simply experimenting with drugs and alcohol and that minor offenses should not set them back for their future. She felt there was a lack of activities for youth in many places and they are drawn to public lands for this reason.

Mr. Whitney spoke that he was glad to hear an admission of guilt on the part of BLM for how the proposed rules had been handled. He thought the agency was now on the right track.

Bill Diest agreed that the process started poorly and is glad that BLM recognizes the need for dialogue.

Mr. Higbee responded that it is a huge job to protect all the public lands and he was not sure of the right approach. He said that it is not possible to protect everyone all the time, need more public education.

Mr. McCuin interjected that local enforcement goes hand in hand with community support for offenders and that local offenses could be handled best by local law enforcement officials who are most familiar with the residents. He felt the burden was on BLM to increase cooperation.

LAWS REGULATING FUGITIVE DUST IN NEVADA.

Corey Lynn-Kern, Environmental Scientist, Nevada Division of Environmental Protection.

Link to NDEP: <http://ndep.nv.gov/bapc/compliance.html>

Ms. Wilcox described some context for the discussion on fugitive dust by outlining past federal and state efforts related to water rights, irrigations projects and conservation bonds to help restore former wetland areas. The Newlands project near Fallon was the first Bureau of Reclamation project that provided irrigation for new farmlands in Churchill County. Water was harnessed from both Carson and Truckee Rivers to provide reliable irrigation waters for an agricultural area. The intent was to reclaim arid lands and provide for a "beneficial use" of waters flowing into wetland areas. Voters passed measure 5 in 1989 which included a bond for \$5 million for the purchase of water rights to restore Carson Lake near Fallon. The state is only

able to purchase from willing sellers and it has resulted in the restoration of 700 acres of lands and acquired 9000 acre feet of water. As a result of both state and federal buyout programs to restore Carson Lake and Stillwater NWR, additional lands have been fallowed, resulting in fugitive dust management challenges for Churchill County.

Eleanor Lockwood clarified that Churchill County is trying to prevent the new state regulations for air quality standards from being violated before it happens. The county is trying to mitigate the dust problems in a sustainable manner.

Corey Lynn-Kern handed out compliance sheets and started her discussion. She described that DEP regulates particulate matter less than 10 microns PPM. New standards are now evolving to regulate to an even higher rate of 2.5 PPM. These national standards are to address air quality concerns related to ongoing public health concerns. She described the effects of dust pollution from land use development, disturbed areas, especially in Nevada where high wind gusts are common. Dust storms also result in property damage to homes and vehicles.

Pete Livermore of Carson City commented on the damage recently inflicted upon over 200 cars at area dealerships from a dust storm due to unmitigated grading activities for the new freeway.

Ms. Lynn-Kern stated that particulate matter especially impacts children's health under the age of 14. There has been an increase in asthma rates and other respiratory diseases among the youth. In addition she stated that dust carries bacteria which can also lead to cardiovascular problems. There are legal responsibilities of NDEP to reduce airborne pollutants. She noted that agricultural uses are not exempt from the regulations but that there are permits for limited exceptions.

There are short term fixes for fugitive dust problems including the use of dust pallatives, suppressants, polymers, resins etc.. In addition there are soil stabilizers that have shown promise in gravel and asphalt.

Currently, **Ms. Lynn-Kern** stated there are two counties out of attainment and 2 more counties of concern. Call to actions for reducing dust problems include: stabilizing unpaved roads, lowering speed limits, need for development dust control plans, education and increased accountability for the lack of actions. Fines for violators are based on the three strikes rule with small fines. New fines are going into effect that will raise the threshold to \$250/day for first time offenses and up to \$10,000/day for continuing offenders.

Ms. Eklund-Brown voiced strong opposition over the cost burden to counties for the regulations. She felt the non-attainment and subsequent fines from the new rules could bankrupt counties and be a burden to counties. She had heard of exaggerated complaints to DEP from new residents complaining about minimal dust. She inquired further about the burden of responsibility on public land managers for cases of dust or fires. Paving of public roads is about a million dollars a mile and for counties with thousands of road miles it would simply take money from one pot of need and place it into another. Counties may ultimately have to close county roads or give the roads back to the state.

Ms. Lynn-Kern stated that she understood the problems faced by the counties. She further stated that her agency was simply enforcing federal rules and that if DEP cannot gain control of problem areas then the EPA would step in and do it. She also thought the counties could do more public outreach to let residents understand the implications of their land use actions.

Ms. Eklund-Brown commented that many problems stem from older subdivisions approved by the counties before good land use controls were required of developers. She felt the counties had some responsibility for these areas since they allowed the development without dust controls or road standards. Elko County has 80 older subdivisions and over 10,000 miles of roads. She inquired about the money collected from fines. **Ms. Lynn-Kern** added that the fines go towards schools.

Bill Diest expressed strong concern about the new rules. He said there are enforcement problems with regards to lowering of speed limits on rural roads. He stated an example where there is low density residential development and dust problems along a three mile road that otherwise would not be high on the counties list to upgrade. He said resources would have to be moved to address poor infrastructure in these areas based on the DEP standards.

Ms. Lynn-Kern stated that lawsuits related to public health from fugitive dust against the counties would be the worst case scenario, not the enforcement of the DEP standards. **Mr. Diest** commented that off-site dust often combines with local development dust to create dust compliance challenges.

Mr. Yarbrow concurred. **Mr. Mancebo** suggested that the DEP could have initiated contact earlier with counties statewide to explain the rules and all parties could have worked towards common solutions.

Ms. Lueders of BLM confirmed that BLM had been fined in Clark County for air quality compliance non-attainment. **Mr. Yarbrow** described how Lander County had paved 25 miles of roadway to address dust problems on areas with the lack of division standards. Other problems in these areas included weeds.

Mr. Livermore mentioned Carson City's efforts to use NDOT pavement grindings on problem roads to reduce dust. **Mr. Yarbrow** discussed how Lander County has problems with large agricultural trucks using rural roads and creating dust by going way over the speed limit and being from out of state. **Ms. Lynn-Kern** reiterated possible solutions by working with NDOT to get grindings or by visiting mine operations to examine their dust suppression techniques.

Donna Kristaponis of Lyon County echoed the sentiments of SLUPAC members. She stated that Lyon County requires parcel maps to meet the same road standards as subdivision maps. Entrance roads must be paved. In addition she stated the difficulty of getting 51% of residents to approve of local improvement districts. She said that legislative help was needed in changing the burden from the negative to the positive in terms of getting local improvement districts formed. She felt as if a more positive approach from the start would enable local government to implement more cost sharing projects. She also stated that dust problems stem from a variety of land uses including; OHV use, denser developments and school buses.

Ms. Lockwood supported the contentions of **Ms. Kristaponis** in that State and Federal agencies should look to local government more often for ideas on solving local problems. She emphasized trying to prevent problems before they occur, methods to correct past problems and the cumulative effects of long term impacts from a non-point source problem. She also stressed the importance of funding to solve the problems. She pointed out that NDEP should be spending more time working with counties than issuing citations.

Ms. Eklund-Brown felt the local efforts can be better to address local problems and that many counties are trying. She felt that farm use activities should be exempt and that added regulations make it even harder for farmers and ranchers to make it in Nevada. She was concerned that if public land managers were pressured to meet standards that unexpected implications might include the closure of public lands to reduce dust problems.

Ms. Lynn-Kern responded that all NDEP is doing is implementing federal air quality standards at a local level. She agreed that more could be done by NDEP to consult with counties for innovative approaches to dust problems. She also stated that NDEP could be doing more for public outreach to residents on how to reduce their contributions to fugitive dust.

Ms. Eklund-Brown stated that counties should go to their elected representatives in Congress to lessen the air quality rules. **Ms. Lynn-Kern** responded that the EPA rules were a result of public outcry over air quality nationwide since there are large documented problems related to particulates in the air and health. She continued by saying that urban counties have improved their program to combat dust through local regulations and outreach programs.

Mr. Yarbro commented that counties with more growth also have increased revenue to combat the problems. Rural counties often lack the resources to address such problems. **Ms. Lynn-Kern** stated that her office has been working successfully with BLM managers to address dust violations in Clark County and that her office treats all violators the same. **Mr. Diest** added that a 51% votes is not required to get complaints addressed by DEP.

Ms. Lynn-Kern asked if new residents to rural areas understand the maintenance or lack thereof to roads adjacent to their properties. **Ms. Eklund-Brown** responded by stating that buyers see the roads, they should understand the situation.

Ms. Lockwood emphasized the problems counties face with educating the public about the classification of county roads. It is assumed that county roads are county maintained roads when this is often not the case.

Lorraine Cadwallader representing Mineral County commented that dust storms are frequent near Hawthorne. She recently witnessed a Hidalgo like dust storm blowing from the north near the reservation towards Hawthorne.

Barbara Ginoulis asked if other counties had road disclosure agreements in place for permittees to sign that discloses the type of road and who is responsible for the maintenance. In addition she mentioned deed restrictions that are used for informing buyers of acceptable uses of the property (that could lead to dust) as well as the maintenance of the roads. Other similar agreements are noise disclosure agreements for airports.

Mr. Mancebo inquired if these easements or disclosures were similar to farm management easements used by counties to warn new residents of commonly accepted farm practices in rural areas. Ms. Ginoulas responded that they were used to put people on notice about the conditions in which they are accepting to live. **Juan Guzman** described how new buyers in Carson City like the sage brush until they move in and level the lot and replace the native plants with ornamentals.

MITIGATING FUGITIVE DUST ON FALLOWED FARM LANDS THROUGH RE-VEGETATION EFFORTS.

Jay Davison, Extension Educator, Cooperative Extension Service UNR
Rod Dahl, Resource Specialist, Natural Resources Conservation Service

Links to both organizations on website.

<http://www.nv.nrcs.usda.gov/>

<http://www.unce.unr.edu/default.html>

Mr. Davison began his discussion by introducing the importance of vegetation in the desert ecosystem to hold soils in place. Plants hold the soils in place and reduce wind velocities on the ground while protecting the soils surface from wind, rain and the sun. When re-vegetating arid lands one must remember that shrubs and not grasses are the original plants to the system. The moisture that does come in often does so in harsh storms and not a gentle fashion that is easily absorbed by the soils and plants. In the Fallon area there is 2-2.5 inches of rain in the growing season for plants to survive on. It is problematic for establishing new plants. Only 1 in 20 years will an area see adequate rainfall naturally to enable plant growth to start without irrigation. When water is stripped from lands it is very difficult to re-establish native plants.

Mr. Davison explained there are various approaches for supplemental moisture to establish plants. They included water retention and collection systems, polymers that can be injected to slowly release water, mulches, transplanting of older plants with more root mass, short term irrigation. These methods are critical for at least the first two years to establish native vegetation.

For irrigation to be successful soil types must be identified to determine what types of plants can actually survive the soils. Plants must be salt tolerant since many soils have high salinity after many years of irrigation. In addition, changes are needed allowing the temporary separation of water rights and associated lands for conservation purposes to ensure that native plants can become re-established through temporary irrigation. Otherwise, there is an additional problem created by the removal of water rights including the introduction of weeds and topsoil loss due to erosion and wind.

Mr. Davison stressed how there are statutes that regulate the suppression of weeds on farm lands. He also mentioned the need for regulations for OHV use, land use development coverage rules and the staking and maintenance of new or existing vegetation. Another common concern was the smoothing of land after development for landscaping. When rough

natural surfaces are smoothed, wind velocities increase, therefore encouraging additional erosion of the disturbed areas.

Rod Dahl then presented by highlighting the importance of suitable soil types for ensuring successful restoration with native plants. He emphasized the mandate of his agency which sets them apart from many other agencies is the focus on private lands.

He explained the dilemma facing Nevada's environment of limited rainfall, ineffective rainfall events and a boom and bust cycle of weather patterns. He stressed the importance of soils tolerance to wind. Winds with a speed of 12 MPH or higher can move dust across the landscape. He mentioned how in North Dakota there are windbreaks along many roads due to the frequency and strength of windstorms. Here in Nevada large wind events are the real problem for dust. He pointed to several factors in the challenge of re-vegetating fallowed lands. The largest problem has been the lack of a native plant center to propagate local species. The Great Basin remains the only region without its own plant center. He encouraged the possibility of one being built in the Fallon area.

He also pointed out problems in the current system of water rights purchase and conveyance where as water is removed too quickly (along with the ditches and infrastructure to convey water) before an area can be replanted.

Mr. Dahl also stated that large agricultural areas are especially difficult to re-establish because soils have been disturbed for many years, the acreages tend to be large, the surfaces have been smoothed to enable efficient irrigation by flooding and the increase in wind velocities over large open areas.

Mr. Dahl stressed how all their plantings are still a work in progress in terms of learning what is successful. They have worked in tandem with other state, local and federal staff to find optimal approaches to plantings. Typically only 25% of an area is restored at a time. Cover crops like winter wheat have been used to stabilize areas for plantings. Other techniques to increase survival have included the building of berms, roughing of surfaces, and using a over 13 varieties of plants to measure the success of each to varying conditions.

Mr. Davison stressed the importance of maintaining existing irrigation systems until plants have been established. There is a big cost to clean ditches or rebuild them just to get water to the plants. It is easier to plant soon after to reduce competition with weeds and to utilize the existing irrigation system. Adverse effects of excessive dust includes; public health, crop damage, noxious weeds, loss of wildlife habitat.

Mr. Davison stressed the importance of supporting the new plant center for Fallon.

Ms. Wilcox stated the challenge with leaving water rights with the land is that in the alpine decree areas water and land must go together and there is no mechanism in place to split the water rights, even for restoration efforts.

Mr. Davison mentioned that other best management practices for fields would be to mow plants rather than plow them under to decreased soils disturbance. **Mr. Dahl** commented on

the successful practice of temporary water transfers back to fallow lands to re-establish native plants.

Another concern voiced by **Mr. Livermore** was the high market price of water rights that is often out of reach of local governments to use for a such purposes. He suggested legislative changes to such policy that would enable local governments first option at buying water rights for conservation purposes.

Ms. Kristaponis agreed with **Mr. Livermore** and went on to say that NDEP does not require a permit for a domestic well water right. She said that on 5 acre lots there was potential for draw down of aquifers if large areas are developed. **Ms. Wilcox** responded that domestic wells and water use could be a topic for an entire meeting.

Jon Hutchings questioned whether or not local planning laws related to water consumption were strong enough to face impending growth. When water tables are drawn down it has negative impacts upon plant communities. He also suggested local government's ability to acquire and retain water rights.

Mr. Dahl stated the challenge with local dust regulations is the difficulty in enforcement. He referred to Phoenix where there are strict farming guidelines for dust abatement.

Mr. Hutchings responded that many people consider water rights as private property rights and agreed that 2-3 years of water is long enough to re-establish plant communities.

Mr. Livermore stated the difficulty in dealing with federal water rights as opposed to private water rights. **Mr. Dahl** reiterated Ms. Wilcox's earlier comments about the difficulty of splitting the water rights from the land in alpine decree watersheds.

THE OPERATION AND STARTUP OF A GID

Diana Langs, Director, Sun Valley General Improvement District

Link to NRS sections governing the creation of General Improvement Districts

<http://www.leg.state.nv.us/NRS/NRS-318.html>

Ms. Langs provided the audience with several handouts include a listing of all GID's in the state. She started with a background of the Sun Valley GID. It was started in 1967 and was only a water purveyor at the time. There are currently 6,000 hookups serving a population of 16,000 residents. New hookups have varied in recent years from a half dozen a year to dozens in good years.

Ms. Langs described the structure of the GID with 5 board members and how statute has evolved for GID's over the years to include both NRS 311 and NRS 318 which spans the function of water and sewer to many other related public services. She stressed the importance

of an educated and trained board for the purposes of sound decision making. **Ms. Langs** pointed to the ability to “piggyback” improvement projects with other nearby city and county projects to cut down on costs while improving the system. Sun Valley GID recently took on the authority of garbage collection and the rental/owner occupied rates are evenly split and the number of manufactured homes vs. stick built homes is 75% to 25%. The revenue from the waste disposal contracts is used within the GID for other improvements and to offset monthly fees.

Sun Valley has a voting seat on Truckee Meadows Water Authority. **Ms. Langs** mentioned how many residents come to the GID for a multitude of reasons beyond the traditional functions and that as her group has evolved and become better equipped it has taken on more of a community role. This includes beautification projects, low income housing subsidies, neighborhood clean-ups and good customer service to its residents. She manages 13 staff members all of whom are cross trained to serve a multitude of functions keeping the staff numbers from growing.

Ms. Langs went into her slide show which started with how a GID starts. The following is a summary of her program.

STARTUP & OPERATIONAL ISSUES OF YOUR GID

General Improvement District Per NRS 318

Created For:

- Public Necessity Such As Water, Sewer
- Other Local Governments Unable To Provide Services
- Developer Created For Special Purposes

Electric Light And Power, Energy For Space Heating, Preservation Of Endangered Or Threatened Wildlife, Insect And Rat Extermination, Protection For Fire, Emergency Medical Services, Public Cemeteries, Swimming Pools, TV, Fencing, Streets, Alleys, Curbs, Sidewalks, Flood, Sewer, Water, Recreational Facilities, Garbage NRS 318.117—318.144

FORMATION OF DISTRICT

- Identify Powers
- A Resolution Adopted By Board Of County Commissioners
- A Petition Proposed By Any Owner Of Property To Be Located In The District
- Protest Opportunity
- Unanimous Vote By Commissioners
- Initiating Ordinance

FEASIBILITY OF SUCCESS

- Discuss With County
- Discuss And Investigate Financial Issues With Dept Of Taxation
- Compile Options, Costs - May Need Consultant
- Include Trained Staffing Needs
- Quasi-Municipal – Open Meeting Laws
- District Board

- 5 Members Appointed By Commissioners Until Election By Residents
- Commissioners Designate Powers

LEGAL AND FINANCIAL ISSUES

- Legal Advice To Create Rules Or Tariff Regulations For Operations
- Financial Consultant To Establish Budget, Audit, Calculate Rates, Charges
- Investigate Grants, Short Term Notes, G O Bonds, Revenue Bonds, Special Assessment Bonds
- Tax Cap
- Keys To Success
- Maintain Close Relationship With County Commissioners
- Maintain Communication With Other Entities
- Be Involved With Community And Its Needs
- Go That Extra Step
- Exceptional Customer Service
- Be A Community Leader And An Information Center

MAXIMIZE BENEFITS

- | | |
|--------------------------|-------------------|
| • Franchise Fees | • Legislative |
| • Community Partnerships | • NACO |
| • NAED | • State Pool/Pact |

Ms. Langs discussed the success of hiring a lobbyist to further the GID's functions. She also insisted upon having sound legal and accounting advice to assist in decision making.

Ms. Eklund-Brown inquired about the ability of counties to provide funding to start a GID.

Ms. Langs replied that yes counties can assist in the startup costs.

Mr. Whitney mentioned how GID's differ in the functions they serve.

Ms. Wilcox asked how rural counties could use GID's when they have limited infrastructure to start with. **Ms. Langs** said it was crucial to have a feasibility study and financial analysis done to determine where rates would be, the functions that could be served, the types of funding that would be needed to startup and the importance of networking with other GIDs for models. She cautioned against expanding GID districts as well without a sound financial study. Minimizing costs whenever possible also help in the fiscal soundness of the GID. She gave an example where an automated meter reader turned a month's worth of work into one day's work.

Ms. Eklund-Brown asked about how to deal with absentee landlords who may not have the community concerns. She suggested the group lobby to get the language for enabling GID's change to require a positive vote rather than a negative one. It could even be an advisory question.

Mr. Mancebo inquired if the GID votes were one vote per property (for multiple property owners) or if the individual just gets one vote. Ms. Langs commented that it was one vote per person.

Ms. Wilcox asked about the options for GID's that go under. Ms. Langs said that several have merged to become stronger or that counties can take charge of their operations.

COUNTY PLANNING ISSUES

Mr. Mancebo asked for SLUPAC members to give short discussions on their pertinent issues.

Juan Guzman- Carson City

- **Mr. Guzman** updated the SLUPAC members on the Waterfall Fire restoration efforts in Carson City. He described how 18 homes and one business had been lost to the blaze and over 800 acres of land burned. The makeup of ownership in the burn area was 1/3 private, 1/3 federal and a 1/3 Carson City. The USFS has been organizing efforts to rehab the burned areas and a task force was created to address the aftermath of the fire. The group of 25 stakeholders had 7 days to put together a response proposal. While there were certainly competing interests clashing at times all came together to put forth a positive response. Immediate measures to stem mud flows included placing bales and ditches to divert water and mudflows from the cities water supply. Aerial seeding was done using rice straw of 3000 bales to hold soils in place for rain or snow events. FEMA has been involved in the recovery efforts and has been quite particular about funding exact damages. The next concern is the salvage of burned trees to reduce the widespread introduction of pests and insects. On extremely steep slopes matting was installed to stabilize the ground. There is ongoing concern about the protection of the city's water supply in Ash Canyon. Pete Livermore interjected that the north end of town is changing dramatically with the new Carson Tahoe Medical Center under construction (40% complete) as well as the Carson City Freeway.

Barbara Ginoulas- Clark County

- The growth task force committee is behind schedule and not expected to reports its findings until April of 05. There are ongoing discussions about affordable housing, land disposal from BLM, the implications of higher density growth and study to identify the true reasons for the rising costs of housing the Las Vegas area. In addition she mentioned work on a county facilities planning and timing project, concern over the social impacts of growth and a recent request for high rise developments in the county.

Bill Diest- Humboldt County

- Mr. Diest commented on his county's ongoing struggles with fugitive dust problems.

Varlin Higbee- Lincoln County

- A development agreement ordinance was recently passed by the County Commission.
- Coyote Springs is in its early stages of development with work on the Clark County side expected to begin next spring with homes selling as soon as 2007.
- There is an expected 17 year build-out which is down from the proposed 30 years.

- Other news includes the possibility of a professional golf training facility being part of the Coyote Springs development that will be accessible to local school kids.

Lorraine Cadwallader- Mineral County

- The Babbitt area (west of Hawthorne) is the focus of a redevelopment effort and planning is now underway now that the land has been conveyed back to the county.
- There is new RV park being planned
- The county's master plan update is underway as well.

Michael Mears-Eureka County

- Barrack Ruby Hill Mine is open with a potential for 100-150 new jobs.
- A High School bond for repairs and upgrades is on the ballot though facing an uphill battle.
- A new \$390 million coal fired power plant is being planned by Newmont mining in Boulder Valley.
- It is expected to be up and running in the spring of 2006-2007. While the mine is planning to use most of the power, once its demand drops, it has agreement in place with Sierra Pacific to sell the excess power.
- The Mormon crickets continue to wreak havoc on the county. A GPS project earlier this summer mapped their movements in order to maximize spraying programs. Special effort is targeted at protecting the Diamond Valley region.

Bill Whitney-Washoe County

- The Waterfall Fire and its proximity to Washoe County has re-invigorated fire prevention efforts in the county. The goal is to create fire-safe communities.
- Neighborhood casinos are becoming a new issue as the gaming industry tries to extend its reach into smaller scale projects in efforts to attract new revenue.
- The regional plan update was recently completed and the county is now focused on updating the county's master plan.
- There is renewed pressure from the Nevada delegation to put forth a Washoe County Lands Bill so that the county would have funds other than SNPLMA funds to fund projects.

Mickey Yarbro-Lander County

- The Phoenix Project is expected to draw upwards of 300 new employees.
- Another mining project is the Cortez-Nevada Ray-Gold project which is expected to commence in the spring of 2005.
- The county is in the process of closing the Austin landfill and waste will be trucked to Battle Mountain.
- Battle Mountain housing market is extremely tight. The market is doing well.

Sheri Eklund-Brown- Elko County

- Mormon Crickets have been a concern for Elko County.

- The county is also watching the Wendover federal legislation for annexation.
- There is a ½ cent gas tax on the ballot for the election for county roads.
- A new VA medical center is a possibility with a partnership from the college. There are 5000 vets in the region without a healthcare facility.
- Sheri recently visited Baker City to see the Oregon Trail visitors center. There is an ongoing BLM project to place a similar facility in Elko County for the California Trail. Sheri was recently appointed to serve on the Resource Advisory Council for NE Great Basin BLM.

Eleanor Lockwood- Churchill

- The county is holding workshops with the community to explain the county's road system and maintenance.
- There have been ongoing fugitive dust complaints to NDEP.
- A proposed county water and sewer system is slated for 2005.
- A new Wal-Mart is proposed, but it needs access to the new county water and sewer system before it can open.
- There is ongoing concern about base encroachment around Fallon NAS.

Roger Mancebo-Pershing County

- The housing market is up in Lovelock in the past 3 months.
- The checkerboard group is continuing to meet to identify the consolidation of such lands with private lands going near the freeway and public lands on the outside of the corridor.

PUBLIC COMMENT

None

COUNCIL MEMBER COMMENTS

No further comments were made.

COUNCIL DISCUSSION AND RECOMMENDATIONS

There was no further discussion or recommendations made by the Council on any previous items that were presented.

FUTURE MEETING CONSIDERATIONS

There was no discussion on upcoming meeting topics or locations.

ADJOURN

The meeting was adjourned at 12:15 pm.

A field trip was conducted to visit various locations in Churchill County to highlight county efforts in open space protection, fugitive dust mitigation and the city's arsenic water treatment facility.

- Soda Lake- introduction to a potential Question One project
- Carson Pasture-drove past area where water rights are being restored
- Swingle Bench-examined NRCS areas targeted for reveg and dust mitigation efforts
- Water treatment plant- tour of the plant
- County Roads- visit to county road where NDOT grindings are used

Members returned at 4:15 pm to the county commission building in Fallon to conclude the day's events.

Clint Wertz, Land Use Planner
Meeting Recorder

These minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was tape-recorded. Anyone wishing to listen to the tapes may call (775) 687-4364 ext. 236 for an appointment. The tapes will be retained for three years.